

REMARKS:

In the Office Action dated August 10, 2007, claims 6, 7, 10, 11, 14 and 15, in the above-identified U.S. patent application were rejected. Reconsideration of the rejections is respectfully requested in view of the above amendments and the following remarks. Claims 6, 7, 10, 11, 14 and 15 remain in this application, claims 1-5 have been canceled and claims 8, 9, 12 and 13 have been withdrawn.

Claims 6-7 and 14-15 were rejected on the ground of nonstatutory obviousness-type double patenting as unpatentable over claim 7 of U.S. Patent No. 6, 120,760 in view of Yamashita. A terminal disclaimer is being prepared and will be filed shortly. When the terminal disclaimer is filed, applicants request that this rejection be withdrawn.

Claims 6-7, 10-11 and 14-15 were provisionally rejected on the ground of nonstatutory obviousness-type double patenting as unpatentable over claims 10-13 of U.S. Patent Appln. No. 11/080,494 in view of Yamashita. A terminal disclaimer is being prepared and will be filed shortly. When the terminal disclaimer is filed, applicants request that this rejection be withdrawn.

Claims 7 and 14-15 were provisionally rejected on the ground of nonstatutory obviousness-type double patenting as unpatentable over claims 2, 3, 8, 12, and 42-44 of U.S. Patent Appln. No. 10/356,513 in view of Yamashita. Claim 7 has been amended to indicate that the method improves wound healing and tissue regeneration of connective tissues, skin, mucous membranes, bone, cartilage, teeth and epithelium. U.S. Patent Appln. No. 10/356,513 discloses methods for treating injuries to the neuronal layers of the retina and the optic nerve and/or stimulating the outgrowth of nerve fibers from the retina. In view of the amendments to claim 7, U.S. Patent Appln. No. 10/356,513 does not render

claim 7 obvious and applicants request that this rejection be withdrawn. Regarding claims 14 and 15, applicants respectfully contend that U.S. Patent Appln. No. 10/356,513 does not suggest or disclose the induction of angiogenesis. Yamashita was published after the effective filing date of the present application. Therefore, applicants contend that this rejection is based on impermissible hindsight and does not reflect the knowledge of one skilled in the art at the priority date of the present application. If the reasoning in the office action were applied to all medical use cases, no second indications or uses would ever be patentable as the first indication combined with references published after the filing date of the application would render all uses after the first disclosed use, obvious. This is clearly not the case as later discovered indications have been found patentable for drugs such as acetylsalicylic acid (first indication for the treatment of headaches, second indication for the treatment of myocardial infarction). Applicants contend that impermissible hindsight was used in making this rejection as there is no suggestion or disclosure regarding the induction of angiogenesis in U.S. Patent Appln. No. 10/356,513 and request that this rejection be withdrawn.

Claims 6-7, 10-11 and 14-15 were provisionally rejected on the ground of nonstatutory obviousness-type double patenting as unpatentable over claims 41-50 of U.S. Patent Appln. No. 10/472,389 in view of Yamashita. A terminal disclaimer is being prepared and will be filed shortly. When the terminal disclaimer is filed, applicants request that this rejection be withdrawn.

Claims 6, 7, 10, 11, 14 and 15 were rejected under 35 USC §102 as anticipated by Celeste (5,658,882) as evidenced by Yamashita. The present application has a foreign

priority date of August 10, 1993 while Celeste has an effective filing date of March 25, 1994. Enclosed with the present response are translations of all of the foreign priority documents. In view of these translations, applicants contend that the present claims are supported by the disclosure in the priority document filed on August 10, 1993 and request that this rejection be withdrawn.

Claims 6, 10 and 11 were rejected under 35 USC §112, first paragraph as lacking enablement for methods for preventing traumatic injuries. Claims 6, 10 and 11 have been amended deleting the term "preventing". In view of these amendments, applicants request that this rejection be withdrawn.

Claim 7 was rejected under 35 USC §112, first paragraph, as lacking enablement for healing and regeneration of unspecified tissue types. Claim 7 has been amended to indicate that the claimed method improves wound healing and tissue regeneration of connective tissues, skin, mucous membranes, bone, cartilage, teeth and epithelium. In view of this amendment, applicants request that this rejection be withdrawn.

Applicants respectfully submit that all of claims 6, 7, 10, 11, 14 and 15 are now in condition for allowance. If it is believed that the application is not in condition for allowance, it is respectfully requested that the undersigned attorney be contacted at the telephone number below.

In the event this paper is not considered to be timely filed, the Applicant respectfully petitions for an appropriate extension of time. Any fee for such an extension together with any additional fees that may be due with respect to this paper, may be charged to Counsel's Deposit Account No. 02-2135.

Respectfully submitted,

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